

**Notice of Allowability**

Application No.

10/639,828

Examiner

Brij B. Shrivastav

Applicant(s)

WIND ET AL.

Art Unit

2859

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to April 8, 2005.
2. ☒ The allowed claim(s) is/are 13,14,19,24 and 28.
3. ☒ The drawings filed on 12 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/25/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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1. Applicant's amendment dated April 8, 2005 has been received. Applicant has canceled claims 1-12, 15-18, 20-23 and 25-27.
2. The pending claims in the application are 13, 14, 19, 24 and 28, which are allowable condition.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance:

Claim 13 is allowed, as the prior art of record does not teach or suggest a probe useful for slow Magic angle spinning magnetic resonance imaging and spectroscopy, including a monitoring system comprising a respiratory plethysmograph operably disposed for monitoring respiration and respiratory motions of an animal or other living species being rotated or subjected to a rotating magnetic field, in combination with the remaining limitations of the claim.

Claim 14 is allowed, as the prior art of record does not teach or suggest a probe useful for slow Magic angle spinning magnetic resonance imaging and spectroscopy, including an optical detector system having transistor-to-transistor logic pulse sequencing whereby the sequencing is adapted to trigger corresponding RF pulse sequencing in synchronization with precision makers mounted on the rotor assembly, in combination with the remaining limitations of the claim.

Claim 19 is allowed, as the prior art of record does not teach or suggest a probe useful for slow Magic angle spinning magnetic resonance imaging and spectroscopy, including a rotor assembly for spinning a specimen, comprising a first and second cylinder, the second cylinder being adapted for insertion of a cylindrical mold for

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mounting an animal or other living specimen snugly within the rotor, in combination with the remaining limitations of the claim.

Claim 24 is allowed, as the prior art of record does not teach or suggest a probe useful for slow Magic angle spinning magnetic resonance imaging and spectroscopy, including a rotor assembly for spinning a specimen, comprising a first and second cylinder, the second cylinder being adapted for insertion of an epoxy photopolymer cylindrical mold for mounting an animal or other living specimen snugly within the rotor, in combination with the remaining limitations of the claim.

Claim 28 is allowed, as the prior art of record does not teach or suggest a probe useful for slow Magic angle spinning magnetic resonance imaging and spectroscopy, including an optical detector system having transistor-to-transistor logic pulse sequencing whereby the sequencing is adapted to trigger corresponding RF pulse sequencing in synchronization with precision makers mounted on the rotor assembly, in combination with the remaining limitations of the claim.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

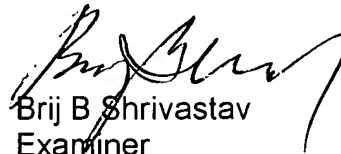
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brij B. Shrivastav whose telephone number is 571-272-2250. The examiner can normally be reached on 7 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F. F. Gutierrez can be reached on 571-272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 17, 2005

  
Brij B Shrivastav  
Examiner  
Art Unit 2859

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